

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JANET HILLER,

Petitioner,

v.

WARDEN NEVEN, *et al.*,

Respondents.

Case No. 2:19-cv-00260-RFB-GWF

ORDER

This action is a petition for writ of habeas corpus by Janet Hiller, a Nevada prisoner. The Court received Hiller’s habeas petition (ECF No. 1-1), along with an application to proceed *in forma pauperis* (ECF No. 1) and a motion for appointment of counsel (attached to petition, at ECF No. 1-1) on February 12, 2019. In an order entered on February 15, 2019 (ECF No. 3), the Court denied Hiller’s application to proceed *in forma pauperis* and ordered Hiller to pay the filing fee. Hiller paid the filing fee on February 28, 2019 (ECF No. 4).

Therefore, the Court has examined Hiller’s habeas petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The Court will direct the Clerk of the Court to serve the petition upon the respondents.

Hiller filed, with her petition, a motion for appointment of counsel (attached to petition, at ECF No. 1-1). “Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations.” *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir.

1 1970) (per curiam). The court may, however, appoint counsel "if the interests of justice so
2 require." See 18 U.S.C. § 3006A; see *a/so* Rule 8(c), Rules Governing § 2254 Cases;
3 *Chaney*, 801 F.2d at 1196. The Court determines that, in the interests of justice,
4 appointment of counsel is warranted in this case.

5 **IT IS THEREFORE ORDERED** that the Clerk of the Court is directed to separately
6 file the petition for writ of habeas corpus (ECF No. 1-1), and the motion for appointment
7 of counsel (attached to petition, at ECF No. 1-1).

8 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to add Aaron D.
9 Ford, Attorney General of the State of Nevada, as counsel for the respondents.

10 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to electronically
11 serve upon the respondents a copy of the petition for writ of habeas corpus and a copy
12 of this order.

13 **IT IS FURTHER ORDERED** that the respondents will have 20 days from the date
14 of this order to appear in this action. Respondents will not be required to respond to the
15 habeas petition at this time.

16 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of
17 Nevada (FPD) is appointed to represent the petitioner. If the FPD is unable to represent
18 the petitioner due to a conflict of interest or other reason, then alternate counsel will be
19 appointed. In either case, counsel will represent the petitioner in all federal-court
20 proceedings relating to this matter, unless allowed to withdraw.

21 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to electronically
22 serve upon the FPD a copy of this order, together with a copy of the petition for writ of
23 habeas corpus (ECF No. 1-1).

24 **IT IS FURTHER ORDERED** that the FPD will have 20 days from the date of this
25 order to file a notice of appearance, or to indicate to the Court its inability to represent the
26 petitioner in this case.

27 ///

28 ///

1 **IT IS FURTHER ORDERED** that the Court will establish a schedule for further
2 proceedings in this action after counsel appear for the petitioner and the respondents.

3
4 DATED this 2nd day of April, 2019.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



RICHARD F. BOULWARE, II,
UNITED STATES DISTRICT JUDGE